

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

In Re:

Case No. 14-30028-DOF  
Hon. OPPERMAN

BRETT SVATORA

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**OBJECTION TO PROOF OF CLAIM OF ENGLISH GARDENS CONDOMINIUM  
ASSOCIATION (CLAIM #6)**

Debtor, by and through his attorney, hereby objects to Proof of Claim #6 of ENGLISH GARDENS CONDOMINIUM ASSOCIATION for the following reasons:

- 1) Proof of Claim includes a 'pre-petition arrearage' of \$8,145.70, however the Proof of Claim fails to include any documentation or itemization to support this figure.

**WHEREFORE**, Debtor prays this Honorable Court disallow the Proof(s) of Claim presently filed as claim #6 and grant whatever other relief as may be just and equitable under the circumstances.

Dated: May 14, 2014

/S/ Thomas M. Hensel, Jr.  
THOMAS M. HENSEL, JR. (P60469)  
Attorney for Debtor(s)  
36250 Dequindre Rd., Ste. 410  
Sterling Heights, MI 48310  
(586) 939-4800  
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UNITED STATES BANKRUPTCY COURT  
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**ORDER REGARDING OBJECTION TO PROOF OF CLAIM OF ENGLISH GARDENS  
CONDOMINIUM ASSOCIATION (CLAIM #6)**

This matter having come on for hearing before the Court by way of the objection of the Debtor to the allowance of the claims of the above referenced creditor, service having been made with a notice of hearing allowing a thirty (30) day notice pursuant to Bankruptcy Rule 3007, a hearing having been held, the Court having heard the matter in open Court and for the reason stated on the record;

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

The objection to the Proof of Claim filed by the above-referenced Creditor is hereby GRANTED. To the extent that the Chapter 13 Standing Trustee has previously made disbursements to such Creditor, the Trustee shall not be obligated to recoup the same.

IT IS FURTHER ORDERED that the Proof(s) of Claim of the ENGLISH GARDENS CONDOMINIUM ASSOCIATION (CLAIM #6), is disallowed.

**EXHIBIT A**

UNITED STATES BANKRUPTCY COURT  
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**NOTICE OF OBJECTION TO PROOF OF CLAIM OF ENGLISH GARDENS CONDOMINIUM  
ASSOCIATION (CLAIM #6)**

Debtor has an objection to your claim in this bankruptcy case.

**Your claim may be reduced, modified or denied. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (if you do not have an attorney, you may wish to consult one.)**

If you do not want the court to deny or change your claim, then on or before 7 days prior to said hearing date, you or your attorney must:

1. File with the court a written response to the objection, explaining your position at:<sup>1</sup>

United State Bankruptcy Court  
226 W. Second St.  
Flint, MI 48502

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before 7 days prior to said hearing date

You must also mail a copy to:

Hensel Law Office, PLLC  
36250 Dequindre Rd., Ste. 410  
Sterling Heights, MI 48310  
(586) 939-4800

Carl Bekofske, Ch.13 Trustee  
400 N. Saginaw St., Ste. 331  
Flint, MI 48502

2. Attend the hearing on the objection, scheduled to be held on **JULY 22, 2014** at **10:00 a.m.** at 226 W. Second St., Flint, MI 40502, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

**If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.**

Dated: May 14, 2014

/S/ Thomas M. Hensel, Jr.  
THOMAS M. HENSEL, JR. (P60469)  
Attorney for Debtor(s)

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1 Response or answer must comply with F.R.Civ. P. 8(b), (c) and (e)

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 14, 2014, I electronically filed the foregoing paper(s) with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

- CARL BEKOFESKE, Trustee
- United States Trustee

and I hereby certify that I have mailed by United States Postal Service the paper(s) to the following non-ECF participants:

-MAKOWER ABBATE PLLC, 30140 ORCHARD LAKE ROAD, FARMINGTON HILLS, MI 48334

Dated: May 14, 2014

/s/ Thomas M. Hensel, Jr.  
THOMAS M. HENSEL, JR. (P60469)  
Attorney for Debtor(s)  
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